

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 43**

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**Introduced by Senator Liu**

December 8, 2010

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An act to add Section 18926.5 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 43, as amended, Liu. CalFresh Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp Program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Existing federal law requires all SNAP recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

This bill would require a county that elects to participate in the FSET program, which the bill would designate as the CalFresh Employment and Training program (CalFresh E&T), to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program, and would describe the criteria for deferral. The bill would authorize a CalFresh work registrant who is

deferred from mandatory participation in the CalFresh E&T program to request to enroll in the program as a voluntary participant.

This bill would require a county that elects to participate in the CalFresh E&T program to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds, ~~as specified, but would not specified.~~ *The bill would further require that none of its provisions be construed to require a county to offer a particular component as part of its CalFresh E&T plan. The bill would provide that a CalFresh E&T participant is not an employee for the purposes of workers' compensation and would provide that it would not require a county to provide workers' compensation coverage for a CalFresh E&T participant. This bill would require the department to adopt implementing regulations by October 1, 2013.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 act to increase meaningful opportunities for employment and  
3 training in the CalFresh Employment and Training (CalFresh E&T)  
4 program and assist CalFresh recipients in meeting the work  
5 requirements of the CalFresh program.

6 SEC. 2. Section 18926.5 is added to the Welfare and  
7 Institutions Code, to read:

8 18926.5. (a) For the purposes of this chapter, "CalFresh  
9 Employment and Training program" or "CalFresh E&T" means  
10 the program established under Section 6(d)(4)(B) of the federal  
11 ~~Food Stamp Act and Nutrition Act of 2008~~ (7 U.S.C. Sec. 2015),  
12 Section 273.7 of Title 7 of the Code of Federal Regulations, and  
13 associated administrative notices published by the United States  
14 Department of Agriculture with the purpose of assisting members  
15 of ~~food stamp~~ CalFresh households in gaining skills, training,  
16 work, or experience that will increase their ability to obtain regular  
17 employment.

18 (b) (1) A county that elects to participate in the CalFresh  
19 Employment and Training (CalFresh E&T) program, as authorized  
20 by the federal ~~Food Stamp Act and Nutrition Act of 2008~~ (7 U.S.C.  
21 ~~Sec. 2029~~, 2015), shall screen CalFresh work registrants to  
22 determine whether they will participate in, or be deferred from,

1 the CalFresh E&T program. If deferred, a CalFresh work registrant  
2 may request to enroll in the CalFresh E&T program as a voluntary  
3 participant. An individual shall be deferred from a mandatory  
4 placement in the CalFresh E&T program if he or she satisfies any  
5 of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code  
6 of Federal Regulations, or if he or she resides in a federally  
7 determined work surplus area.

8 (2) For purposes of this section, “deferred” has the same  
9 meaning as exempt.

10 (c) (1) A county that elects to participate in the CalFresh E&T  
11 program shall be required to demonstrate in its CalFresh E&T plan  
12 how it is effectively using CalFresh E&T funds for each of the  
13 components that the county offers, including, but not limited to,  
14 any of the following:

15 (A) Self-initiated workfare.

16 (B) Work experience or training.

17 (C) Education.

18 (D) Job search.

19 (E) The support services or client reimbursements needed to  
20 participate in subparagraphs (A) to (D), inclusive, as allowed by  
21 federal law and guidance.

22 (2) Nothing in this section shall be construed to require a county  
23 to offer a particular component as a part of its CalFresh E&T plan.

24 (d) Nothing in this section shall limit a county’s ability to  
25 condition the receipt of nonmedical benefits under Section 17000  
26 on an individual’s participation in an employment and training or  
27 workfare program of the county’s choice, even if that program is  
28 financed in whole or part with CalFresh E&T funds or match funds.

29 (e) Nothing in this section shall restrict the use of federal funds  
30 for the financing of CalFresh E&T programs.

31 (f) Nothing in this section shall be construed to require a county  
32 to provide for workers’ compensation coverage for a CalFresh  
33 E&T participant. Notwithstanding Division 4 (commencing with  
34 Section 3200) of the Labor Code, a CalFresh E&T participant shall  
35 not be an employee for the purposes of workers’ compensation  
36 coverage and a county shall have no duty to provide workers’  
37 compensation coverage for a CalFresh E&T participant.

38 (g) Notwithstanding the rulemaking provisions of the  
39 Administrative Procedure Act (Chapter 3.5 (commencing with  
40 Section 11340) of Part 1 of Division 3 of Title 2 of the Government

- 1 Code), the department may implement this section by all-county
- 2 letters or similar instructions. Thereafter, the department shall
- 3 adopt regulations to implement this section by October 1, 2013.